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09/943,239	08/29/2001	Elliot L. Klosterman	10004283-1	9384

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Fort Collins, CO 80527-2400

EXAMINER

DULANEY, BENJAMIN O

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PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/943,239
Filing Date: August 29, 2001
Appellant(s): KLOSTERMAN ET AL.

MAILED

OCT 17 2007

Technology Center 2600

Steven R. Ormiston
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/2/07 appealing from the Office action
mailed 3/5/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,823,526

Howard

11-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1) Claims 1, 5-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent 6,823,526 by Howard et al.
- 2) Regarding claims 1 and 16, Howard teaches a method for processing a print stream through a printer driver, comprising: providing an interface module that interfaces with the printer driver (Column 4, lines 52-55; Column 7, lines 41-50); registering at least one add-on module with said interface module (Column 5, lines 13-16), said registering comprising receiving property information at said interface module from each said add-on module and storing said property information (Column 5, lines 13-16; Column 5, line 64 – Column 6, line 3); receiving a call from the printer driver indicating that a print job is initiated (Column 8, lines 60-63); determining whether any of said add-on modules are responsive to said call; and in response to determining that at least one add-on module is responsive, connecting said at least one responsive add-on module to the printer driver via said interface module (Column 6, lines 17-35).

Art Unit: 2625

3) Regarding claim 5, Howard teaches the method of claim 1, wherein said at least one responsive add-on module is adapted to modify a user interface generated by the printer driver (Column 6, lines 4-16).

Several of the listed add-on examples are options to the user obviously selectable before printing. Therefore the add-ons must be modifying a "user interface" if a user is determining whether or not they want each add-on to take effect.

4) Regarding claims 6 and 18, Howard teaches the method of claim 1, wherein the print stream comprises at least one access point, further comprising: receiving a call from the printer driver indicating that an access point has been reached; determining whether any of said add-on modules are responsive to said call; and in response to determining that at least one add-on module is responsive, sequentially connecting said at least one responsive add-on module to the printer driver via said interface module (Column 6, lines 17-35).

If Howard teaches that add-ons are affecting the output of a printer driver (as has already been shown in this office action) then Howard also teaches access points as defined by the applicant as where "modules may add data to the print stream" (applicant's abstract).

5) Regarding claim 7, Howard teaches the method of claim 6, wherein said at least one responsive add-on module inserts data into the print stream at said access point (Column 6, lines 17-35).

6) Regarding claim 8, Howard teaches the method of claim 6, wherein said at least one responsive add-on module inserts a command into the print stream at said access point (Column 6, lines 17-35).

7) Regarding claim 9, Howard teaches the method of claim 6, wherein said at least one responsive add-on module transmits a command to the printer driver (Column 6, lines 17-35).

8) Regarding claim 10, Howard teaches the method of claim 6, wherein said at least one access point is selected from the group consisting of a document start, a document end, a physical page start, a physical page end, a logical page start, and a logical page end (Column 6, lines 17-35; Column 6, lines 10-11).

It would be reasonable to assume that a duplex printing add-on would insert data at the beginning/end of pages.

9) Regarding claim 11, Howard teaches the method of claim 6, wherein said at least one access point is dynamically selectable (Column 6, lines 17-35).

An access point is dynamically selectable so far as what add-on's the user selects to implement.

10) Regarding claims 12 and 19, Howard teaches the method of claim 1, wherein the printer driver has at least one setting and the method further comprising: querying the printer driver from at least one said add-on module about at least one said setting, and receiving information from the printer driver in response to said querying (Column 5, lines 13-16).

11) Regarding claim 13, Howard teaches The method of claim 12, wherein at least one said add-on module comprises at least one setting, further comprising changing a setting in at least one said add-on module in response to said received information (Column 5, lines 4-35).

Changing a setting could be a user deciding against using a particular add-on, which is registered to that particular driver.

12) Regarding claims 14 and 20, Howard teaches the method of claim 1, wherein the printer driver has at least one setting, further comprising changing at least one said setting of the printer driver through said interface module under the control of at least one said add-on module (Column 5, lines 4-35).

The purpose of the add-ons is to change regular settings in the print driver and modify the print stream, several of the example add-ons in Howard as described must be changing a setting.

13) Regarding claim 15, Howard teaches the method of claim 1, further comprising providing at least one additional printer driver and a corresponding additional interface module for each additional printer driver, wherein at least one add-on module is registered with a plurality of said interface modules (Column 5, line 64 – Column 6, line 3).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

(10) Response to Argument

1) Applicant argues on pages 4-5 of the appeal that Howard does not teach, "receiving a call from the printer driver indicating that a print job is initiated; determining whether any of said add-on modules are responsive to said call".

Applicant specifically argues that the timing of the add-on modules' modification of the print driver is not clear. Examiner disagrees and reiterates the argument in the final rejection that Howard teaches "the host system and the printer operate to execute applications and instructions" (Column 9, lines 46-47), and that these applications are ones in which print jobs are produced ("word processing or graphics programs", Column 7, lines 3-4). The paragraph at column 9, lines 43-52, while not entirely clear on timing, certainly, at the least, suggests that when "applications and instructions" are executed in relation to a host and a printing device, add-on modules are identified in the registry to append to the printer driver. In the context of this paragraph, it would be a stretch of the imagination to say that the "applications and instructions" do *not* constitute a print job (otherwise why would a print driver activate? Why would a printer be operating?). If it is determined that the "applications and instructions" may constitute a print job, then it is clear from the paragraph that the execution of the applications and instructions propagates the identification of responsive add-on modules. In response to applicant's characterization of figures 7A and 7B as directed to installing a printer driver, examiner

disagrees. 7A details installation of a print driver, 7B (the figure which column 9, lines 43-52 refer to) does not discuss or show installation because as show in figure 7A, item 85 and in column 9, line 43 the driver has already been installed.

2) Applicant argues on pages 5-6 of the appeal that Howard does not teach, "inserting data or a command into the print stream" as claimed in claims 7 and 8.

Applicant defines the "print stream" as "the data stream constituting the print job as the data is transmitted through the print driver, along with any overhead added to the print job at any point between the software application and the printing device". Since the "applications and instructions" may constitute a print job (as discussed above), the add-on modules of Howard certainly alter the print stream from "word processing or graphics programs" (Column 7, lines 3-4) at the device driver where the add-ons are appended. Howard's examples for add-ons include "envelope feeder, a duplex unit for printing on both sides of one page or increased memory capacity" (Column 2, lines 18-19). To use the duplex printing as an example, when data from a word processing or graphics program is passed to the driver and the duplex printing module is searched for in the registry and added, it is inherent that in order for duplex printing to occur, commands (and therefore data) must be passed from the driver to the printer (otherwise how would the printer know to duplex print?). And whether this inherent information passed between the driver and printer is part of the print job or "overhead", the claimed invention is read upon by Howard.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin O. Dulaney whose telephone number is (571) 272-2874. The examiner can normally be reached on Monday - Friday (9am - 6pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

For the above reasons, it is believed that the rejections should be sustained.

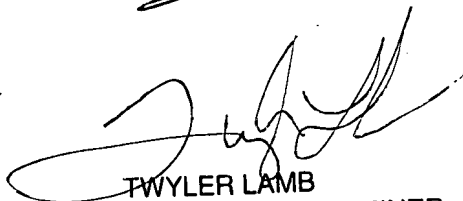
Respectfully submitted,

Benjamin Dulaney



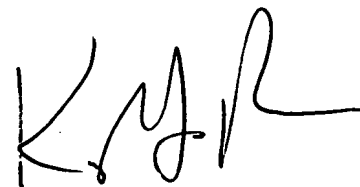
Conferees:

Twyler Lamb



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